

Amendment No. 1 to HB1041

Sargent  
Signature of Sponsor

**AMEND Senate Bill No. 1064\***

**House Bill No. 1041**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Subdivisions (a)(1)(A)(ii) and (a)(1)(B)(ii) of SECTION 2 shall be known and may be cited as "Boomer's Law".

SECTION 2. Tennessee Code Annotated, Section 39-13-102, is amended by deleting subdivision (a)(1) and substituting instead the following:

(a)

(1) A person commits aggravated assault who:

(A) Intentionally or knowingly commits an assault as defined in § 39-13-101, and the assault:

(i) Results in serious bodily injury to another;

(ii) Results in the death of another;

(iii) Involved the use or display of a deadly weapon; or

(iv) Was intended to cause bodily injury to another by strangulation or bodily injury by strangulation was attempted; or

(B) Recklessly commits an assault as defined in § 39-13-101(a)(1), and the assault:

(i) Results in serious bodily injury to another;

(ii) Results in the death of another; or

(iii) Involved the use or display of a deadly weapon.

SECTION 3. Tennessee Code Annotated, Section 39-13-102, is amended by deleting subdivision (e)(1) and substituting instead the following:

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(e)

(1)

(A) Aggravated assault under:

- (i) Subsection (d) is a Class A misdemeanor;
- (ii) Subdivision (a)(1)(A)(i),(iii), or (iv) is a Class C felony;
- (iii) Subdivision (a)(1)(A)(ii) is a Class C felony
- (iv) Subdivision (b) or (c) is a Class C felony;
- (v) Subdivision (a)(1)(B)(i) or (iii) is a Class D felony;
- (vi) Subdivision (a)(1)(B)(ii) is a Class D felony.

(B) For aggravated assault under subdivision (a)(1)(A) or subdivision (a)(1)(B) or subsection (c), the maximum fine shall be fifteen thousand dollars (\$15,000) if the offense is committed against a law enforcement officer.

SECTION 4. Tennessee Code Annotated, Section 40-35-501, is amended by creating the following new subdivision to subsection (k) to be appropriately designated;

(k)

( ) There shall be no release eligibility for a person committing aggravated assault as defined in § 39-13-102, that results in death of another, on or after July 1, 2013, until the person has served seventy-five percent (75%) of the sentence imposed by the court less sentence credits earned and retained. However, no sentence reduction credits authorized by § 41-21-236, or any other

provision of law, shall operate to reduce below sixty percent (60%) the percentage of sentence imposed by the court such person must serve before becoming release eligible.

SECTION 5. This act shall take effect July 1, 2013, the public welfare requiring it and shall apply to all offenses committed on or after such date.